



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

# Preliminary Plan

# 4-07062

Application	General Data
<b>Project Name:</b> CLINTON VIEW  <b>Location:</b> East side of Temple Hill Road, 1,200 feet south of Plata Street.  <b>Applicant/Address:</b> RIBA Land Corporation 808 Montrose Avenue Laurel, Maryland 20706  <b>Property Owner:</b> Haynes, Charles A.	Date Accepted: 09/19/07
	Planning Board Action Limit: 02/22/08
	Plan Acreage: 7.36
	Zone: R-80
	Gross Floor Area: N/A
	Lots: 8
	Outlot: 1
	Planning Area: 81A
	Tier: Developing
	Council District: 09
	Election District: 09
	Municipality: N/A
200-Scale Base Map: 212SE04	

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION - Eight single-family residential lots and one outlot	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003) <span style="float: right;">07/06/07</span>
	Sign(s) Posted on Site and Notice of Hearing Mailed: <span style="float: right;">01/07/08</span>

Staff Recommendation		Staff Reviewer: Ivy R. Thompson	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Subdivision Plat 4-07062  
Clinton View, Lots 1-8 and Outlot A

OVERVIEW

The subject property consists of 7.36 acres of land in the One-Family Detached Residential (R-80) Zone. The property is located on Tax Map 115, Grid E-3 and is known as Clinton View Lot 32. The subject property was previously reviewed as pre-preliminary plan P-07007. The property was previously the subject of preliminary plan 4-89083, Clinton View (PGCPB Resolution Number 89-289), which created Lot 32 and preliminary plan 4-82074, Clinton View Plat II (PGCPB Resolution Number 82-174), which established the 75-foot hike/biker/equestrian trail easement as a future link to the Pea Hill Branch Stream Valley system.

The subject property is wooded and currently undeveloped. The applicant proposes to subdivide the property into eight single-family residential lots. The subject property has frontage on both Temple Hill Road and Plata Street. Access for Lots 1 through 7 and Outlot A is proposed via Temple Hill Road. Proposed Lot 8 will have access via the frontage on Plata Street.

The R-80 Zone has a requirement of a minimum net lot area of 9,500 square feet. The lots in this proposed subdivision are a variety of sizes ranging from 9,800 square feet (Lot 2) and 21,000 square feet (Lot 5). There is a 15-foot private sewer house connection right-of-way easement for proposed Lot 8 (between Lots 4 and 5). Lot 8 has the largest net lot area proposed at 65,340 square feet; however, it is encumbered with approximately 30,056 square feet of proposed woodland conservation. The applicant is also proposing an additional .37 acre of reforestation and afforestation on proposed Outlot A, which also contains the stormwater management pond, and a platted easement for a hiker/biker/equestrian trail (NLB122@94) as part of the Pea Hill Branch stream valley and other environmental features.

The preliminary plan is unclear as to the eventual ownership of proposed Outlot 1. While it is bordered by existing M-NCPPC parkland on the east and south, the Department of Parks and Recreation has determined that with the proposed stormwater management facility and the stormdrain outfalls it is not appropriate for inclusion into the surrounding parkland. A discussion with the applicant's engineer indicated that there is no desire on the part of the applicants to obtain any additional development on this environmentally sensitive area of land. Because the land should be owned by an entity or entities with a connection to the proposed development, the land should either be conveyed to a homeowners association or, if that is not appropriate, incorporated into proposed Lot 7.

SETTING

The proposed subdivision is situated on the east side of Temple Hill Road approximately 1,200 feet south of Plata Street. Adjacent to the subject property just northwest of the subject site is the Clinton View subdivision. The Pine Tree subdivision is adjacent to the subject property at the northeast corner of

the property. The Maryland-National Capital Park and Planning Commission (M-NCPPC) owns undeveloped property, zoned Reserved Open Space (R-O-S), south and east of the subject site.

**FINDINGS AND REASONS FOR STAFF RECOMMENDATION**

1. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-80	R-80
Use(s)	Vacant	Single-Family Residential
Acreage	7.36	7.36
Lots	1	8
Parcels	0	0
Outlots	0	1
Public Safety Mitigation Fee		No

2. **Community Planning**—This application is located in the Developing Tier. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The application is for the subdivision for eight single-family, detached residential lots, which conforms to the recommendations of the master plan for suburban residential land use of up to 3.5 dwelling units per acre.
3. **Environmental**—There are streams, wetlands, and 100-year floodplain associated with Pea Hill Branch in the Potomac River watershed located on the property. The elevation ranges from 228 feet at the north end of the property to 164 in the southwest portion of the site. According to current air photos the site is mostly wooded. No designated scenic or historic roads are affected by this proposal. There are no nearby sources of traffic-generated noise. The proposed use is not expected to be a noise generator. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened or endangered species found to occur on this property or on adjacent properties. According to the “Prince George’s County Soils Survey,” the principal soils on this site are in the Beltsville, Bibb, Iuka and Sassafras soils series. Marlboro Clay does not occur in this area. The site is in the Developing Tier according to the 2002 approved General Plan.

**Conformance with the 1993 Approved Subregion V Master Plan and Sectional Map Amendment**

The master plan notes a significant area of “natural reserve” on this property. The regulated area of the Countywide Green Infrastructure Plan supersedes the natural reserve designated in the *1993 Subregion V Approved Master Plan and Sectional Map Amendment*. Conformance with the Countywide Green Infrastructure Plan will also ensure that the development of the site conforms to the environmental issues associated with the master plan.

**Conformance with the Countywide Green Infrastructure Plan**

According to the Green Infrastructure Plan, the stream valley in the southern third of the property is within the designated network as a regulated area, the adjacent upland area in the central third is an evaluation area, and the northern third of the site is not part of the network. Section 24-130

of the Subdivision Regulations and the Woodland Conservation Ordinance will be utilized to protect the stream valley in its natural state to the fullest extent possible. The Woodland Conservation Ordinance will be utilized to protect the woodland adjacent to the stream valley. The preliminary plan proposes only essential impacts to the regulated portions of the site and preserves as much woodland as possible on-site given the proposed density.

### **Environmental Review**

A signed natural resources inventory (NRI), NRI/045/07-01, was submitted with the application. There are streams, wetlands, and 100-year floodplain on the property. The stream, wetlands, 100-year floodplain, associated buffers, and the expanded stream buffer are shown on the NRI. The expanded stream buffers are correctly shown on the preliminary plan and the Type I tree conservation plan.

Based upon four samples points two forest stands are shown and one specimen tree is noted on the plan. Forest Stand 1 contains approximately 3.03 acres and is mature stand of hardwood dominated by red maple and sweetgum species. There is a significant amount of Japanese honeysuckle in the understory. Forest Stand 2 is approximately 3.45 acres and is a mature bottomland forest dominated by sweetgum, red maple, yellow poplar, and elm species. Forest Stand 2 should be preserved to the extent possible because it contains the stream valley.

At the time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the expanded stream buffers, except for those areas with approved variation requests, and be reviewed by the Environmental Planning Section prior to certification. A note detailing the conservation easements should be placed on the final plat.

The tree conservation plan proposes impacts to the expanded stream buffers. The subdivision design should avoid any impacts to streams, wetlands or their associated buffers unless the impacts are essential for the development as a whole. Staff will not generally support impacts to sensitive environmental features that are not associated with essential development activities. Essential development activities includes such features as public utility lines (including sewer and stormwater outfalls), street crossings, and so forth, which are mandated for public safety, health and welfare; nonessential activities are those such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public safety, health or welfare. Section 24-130 of the Subdivision Regulations prohibits impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Staff will not support impacts to sensitive environmental features that are not associated with necessary road construction or the installation of public utilities.

Staff notes that in order to develop the property in accordance with the R-80 Zone, access is limited to the frontage on Temple Hill Road. Almost the entire frontage is within the expanded stream buffer and some impact will be required to provide access to the developable portions of the site. Connection to the exiting sanitary sewer may require some impact. Five variation requests, dated November 30, 2007, were submitted.

Impacts 1, 2 and 3 are for the installation of stormdrain outfalls. The locations are shown on both the TCPI and the approved stormwater management concept plan. Impact 4 is for the construction of the road to access the property and provide required improvements to Temple Hills Road. A required sanitary sewer connection has been placed within the same area where other impacts are required and would have needed a variation request if it were located elsewhere. The impact for the stormwater management pond is actually required excavation to provide compensation for fill

of the floodplain to create the access road. The location of the water quality pond within the expanded stream buffer is a consequence of the required excavation of the floodplain. If excavation of the floodplain was not required, the pond would have had to be placed outside of the expanded stream buffer.

Section 24-113 of the Subdivision Regulations contains four required findings [**text in bold**] to be made before a variation can be granted.

**Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

- (1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of a sanitary sewer connection, improvements to Temple Hills Road, and installation of stormwater management facilities are required by Prince George's County to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

- (2) The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The expanded stream buffers cover approximately 45 percent of subject property. The only existing sanitary sewer main to which a connection can be made is wholly within the expanded stream buffer. Temple Hills Road abuts the expanded stream buffer and any required improvements will create an impact.

- (3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**

The installation of stormwater outfalls, a sanitary sewer connection, and street improvements are required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

- (4) Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation is carried out.**

Without the required public street improvements, stormwater management facilities, and sanitary sewer connection, the property could not be reasonably developed in accordance with the R-80 zoning.

The Environmental Planning Section supports the variation requests for the reasons stated above.

The TCP shows all the proposed structures are in conformance with the stormwater management concept plan approval. Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams, or Waters of the U.S., the applicant should submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

This site is subject to the provisions of the Woodland Conservation Ordinance because the property is greater than 40,000 square feet in area and contains more than 10,000 square feet of woodland. A Type I tree conservation plan is required. The Type I tree conservation plan, TCPI/037/07, has been reviewed. The woodland conservation threshold is 0.90 acre. Based upon the proposed clearing, the woodland conservation requirement has been correctly calculated as 3.38 acres. The plan proposes to meet the requirement by providing 0.69 acre of on-site preservation (Lot 8), 0.37 acre of on-site planting (Outlot A), and off-site conservation for 2.32 acres. An additional 0.03 acre of woodland will be retained on-site that is not part of any requirement.

The retention of woodland on small lots is discouraged because it often encumbers land that should be usable by the homeowner. Proposed Lot 8 is unusually large for a lot in the R-80 Zone; therefore, a woodland conservation area on the lot can be provided without creating an available outdoor recreational area smaller than that for a typical lot in the R-80 Zone. Additionally, the proposed woodland is in an area where tree cover will assist in preventing erosion and help screen the new development from the rear yards of existing structures. The 0.69-acre woodland retained on proposed Lot 8 may be used as a designated woodland conservation area. The 0.37 acre of on-site planting on proposed Outlot A will serve to replant some of the expanded stream buffer that needed to be disturbed and to construct the access to the site. A note should be placed on the final plat of subdivision citing the restrictions of the approved Type I tree conservation plan (TCPI/037/07).

According to the "Prince George's County Soils Survey," the principal soils on this site are in the Beltsville, Bibb, Iuka and Sassafras soils series. Beltsville soils are highly erodible and subject to perched water tables and impeded drainage. Bibb soils are associated with floodplains. Iuka soils may have poor drainage and a high water table. Sassafras soils pose no special problems for residential development. This information is provided for the applicant's benefit. No further action is needed as it relates to this preliminary plan of subdivision review. A United States Department of Agriculture Soil Survey report, in conformance with CB-94-2004, will be required during the permit process review.

### **Water and Sewer**

The property is located within Water and Sewer Category 3. Water and sewer lines in Temple Hill Road abut the property. A sewer line traverses the property. Water and sewer line extensions are required to service the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission before recordation of a final plat. This development will be served by public systems.

4. **Parks**—In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, the Department of Parks and Recreation, Park Planning and Development Division

recommends that prior to approval of the final plat of subdivision, the applicant, heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication.

5. **Trails**—The approved and approved Subregion V master plan recommends a stream valley trail along Pea Hill Branch. For the subject site’s portion of the stream valley, the master plan does not appear to recommend the trail specifically on M-NCPPC land. However, M-NCPPC owns the stream valley land adjacent to the subject site. The submitted preliminary plan reflects a platted 75-foot hiker/biker/equestrian trail easement (PB NLP 122 No. 84). The approved preliminary plan should continue to reflect this platted easement. Discussions with the Department of Parks and Recreation (DPR) have indicated that DPR is not interested in park dedication at this location. The future master plan trail will be accommodated within the already-platted easement. The easement as shown on the pre-preliminary plan is acceptable, and the easement should continue to be shown on future revisions or submittals for the site.

Temple Hill Road includes a standard sidewalk that ends at the subject site’s northern property line. Staff recommends the extension of this sidewalk along the subject site’s frontage. Roads in surrounding developments include sidewalks along both sides. Staff recommends the same cross section for the subject application.

6. **Transportation**—Due to the size of the subdivision, staff has not required that a traffic study be done. The staff did request traffic counts in the area for the purpose of making an adequacy finding, and counts dated October 2007 were provided by the applicant. Therefore, the findings and recommendations outlined are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

#### **Growth Policy—Service Level Standards**

The subject property is in the Developing Tier, as defined in the General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better is required in the Developing Tier.

**Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

#### **Staff Analysis of Traffic Impacts**

The intersection of Temple Hill Road and Kirby Road is determined to be the critical intersection for the subject property. This intersection would serve virtually all of the site-generated traffic and it is unsignalized. The critical intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

Recent traffic counts indicate that the critical intersection operates with a maximum delay of 27.1 seconds during the AM peak hour. During the PM peak hour, the intersection operates with a maximum delay of 36.9 seconds. The Prince George's County Planning Board has defined an upper limit of 50.0 seconds of delay in any movement as the lowest acceptable operating condition on the transportation system.

As previously noted, there are no funded capital projects at this intersection in either the county Capital Improvement Program or the state Consolidated Transportation Program that would affect the critical intersection. There are four approved, but unbuilt, developments in the immediate area that have been reviewed and counted by staff that would affect the intersection. These developments encompass approximately 35 residences and 250,000 square feet of light industrial space. A 1.1 percent annual rate of through traffic growth along Temple Hill Road has been assumed. With background growth added, the critical intersection would operate as follows: AM peak hour—maximum 36.6 seconds of delay; PM peak hour—maximum 48.0 seconds of delay.

With the development of eight single-family detached residences, the site would generate 6 AM (1 in and 5 out) and 7 PM (5 in and 2 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution:

- 20% - South along Temple Hill Road
- 70% - North along Temple Hill South
- 10% - East along Kirby Road

Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour—maximum 36.8 seconds of delay; PM peak hour—maximum 49.3 seconds of delay. Therefore, the critical intersection operates acceptably under total traffic.

The Subregion V master plan shows Temple Hill Road as a major collector within a 100-foot right-of-way. The submitted plan shows adequate dedication of 50 feet from the centerline along Temple Hill Road. The majority (7 of 8) of the proposed residential lots would receive access via a new cul-de-sac road off of Temple Hill Road.

### **Transportation Staff Conclusions**

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following.



**Impact on Affected Public School Clusters**

<b>Affected School Clusters #</b>	<b>Elementary School Cluster 5</b>	<b>Middle School Cluster 3</b>	<b>High School Cluster 3</b>
Dwelling Units	8 DU	8 DU	8 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	1.92	.48	.96
Actual Enrollment	3,898	5,968	9,696
Completion Enrollment	148.8	90	181
Cumulative Enrollment	168	52.92	86.64
Total Enrollment	4,216.72	6,111.4	9,964.6
State Rated Capacity	3,771	6,114	10,392
Percent Capacity	111.81%	99.95 %	95.88%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation, and the current amounts are \$7,870 and \$13,493 to be paid at the time of issuance of each building permit. The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes. The Historic Preservation and Public Facilities Planning Section finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003. and CR-23-2003.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations. Public Facilities staff have determined that this preliminary plan is within the required seven-minute response time for the first due fire station Clinton Company #25, using the *7 Minute Travel Times and Fire Station Locations Map* provided by the Prince George’s County Fire/EMS Department. Pursuant to CR-69-2006, Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn fire and rescue personnel staffing levels. The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.
  
9. **Police**—The subject property is located in Police District V. The standard for priority calls response is 10 minutes and the standard is 25 minutes for nonpriority calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on September 19, 2007.

Reporting Cycle	Previous 12 Month Cycle	Priority Calls	Nonpriority Calls
Acceptance Date September 19, 2007	8/06 - 8/07	10 minutes	13 minutes
Cycle 1	9/06 - 9/07		
Cycle 2	10/06 - 10/07		
Cycle 3	11/06 - 11/07		

The response time standards of 10 minutes for priority calls and 25 minutes for nonpriority calls were met September 25, 2007. The Police Chief has reported that the department has adequate equipment to meet the standards stated in Prince George’s County Council Bill CB-56-2005. Pursuant to Prince George’s County Council Resolution CR-69-2006, Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police personnel staffing levels.

10. **Stormwater Management**—A stormwater management concept plan, 30367-2007-00, was approved by the Department of Public Works and Transportation on September 6, 2007, and expires on September 6, 2010. The plan clearly shows the details of the stormdrain system for the site. The system includes a new pipe to convey existing overland flow from the north and through the site. Additionally, a water quality pond for low flow will be utilized and a splitter installed to provide for overflow. Each residential structure will have its own drywells to provide for treatment of runoff from rooftops. The approval also requires that all structures be set back 50 feet from the 100-year floodplain. A note should be placed on the final plat noting this restriction. Development of the site must be in accordance with this approved preliminary plan and any revisions.
11. **Department of Health**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Clinton View property and has no comments to offer.
12. **Archeology**—A Phase I archeological survey is not recommended on the above-referenced 7.36-acre property located at 9111 Temple Hill Road in Temple Hills, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. There are no known archeological sites within a one-mile radius of the subject property. However, the applicant should be aware that there is one historic resource, the Berger Estate Site (81A-17), within a one-mile radius of the subject property. It is unlikely that any archeological sites will be identified on this property.

Moreover, Section 106 of the National Historic Preservation Act review may require archeological survey from state or federal agencies. Section 106 requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies or federal permits are required for a project.

13. **Historic Preservation**—There is no effect on historic resources for this proposed preliminary plan of subdivision.

## Recommendations

Staff recommends approval of preliminary plan 4-07062, the variation requests to 24-130 for impacts to the expanded stream buffers, and tree conservation plan TCPI/037/07 subject to the following conditions:

1. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffers, except for those areas with approved variation requests, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches or trunks is allowed."

2. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
3. The following note shall be placed on the final plan of subdivision:

"Development is subject to restrictions shown on the approved Type I tree conservation plan (TCPI/037/07), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."

4. The following note shall be placed on the final plat:

"No residential dwelling unit on proposed Lot 7 shall be closer than 50 feet to the 100-year floodplain."

5. Prior to approval of the final plat of subdivision, the applicant, the applicant's heirs, successors and/or assignees shall pay a fee-in-lieu of parkland dedication.
6. The applicant and the applicant's heirs, successors, and/or assignees shall provide standard sidewalks along the subject site's entire frontage of Temple Hill Road, unless modified by DPW&T.
7. The applicant and the applicant's heirs, successors, and/or assignees shall provide a standard sidewalk along both sides of the internal road, unless modified by DPW&T.
8. At the time of final plat approval, the applicant shall reestablish the currently recorded 75-foot hiker/biker/equestrian trail easement (NLP122@94) over Outlot 1
9. At the time of final plat approval, the applicant shall dedicate a right-of-way along Temple Hill Road of 50 feet from centerline, as shown on the submitted plan.
10. Development of this site shall be in conformance with stormwater management concept plan # 30367-2007-00 (approved September 6, 2007) and any subsequent revisions.

11. Prior to signature approval, the preliminary plan shall be revised to either designate Outlot 1 to be conveyed to a homeowners association or incorporate the land area into Lot 7.
12. If Outlot 1 is to be conveyed to a homeowners association, at the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) Outlot 1. Land to be conveyed shall be subject the following:
  - a. Conveyance shall take place prior to the issuance of building permits.
  - b. A copy of the unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
  - c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
  - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar waste matter.
  - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
  - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
  - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
  - h. Stormdrain outfalls shall be designed to avoid adverse impacts on adjacent land owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
  - i. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to, M-NCPPC without the review and approval of DPR.
  - j. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.

13. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common area has been conveyed to the homeowners association.

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN TCPI/037/07